

229381

NEVADA CENTRAL RAILROAD

BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796

ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD

VIA - IMMEDIATE FAX FILING

(Friday), April 22, 2011

Cynthia T. Brown

Chief, Section of Administration

Surface Transportation Board

395 - E. Street, S. W., Room: 100

Washington, D.C. 20423-0001

BY EMERGENCY FAX FILING: (202) 245-0461 / 0464

RE: Docket No.

AB-1053 (SUB-NO. 1X)

NOTICE TO WITHDRAW:

Offer of Financial Assistance
("OFA") filed on Monday February 28th, 2011.

ENTERED
Office of Proceedings

APR 22 2011

Part of
Public Record

Michigan Air-Line Railway Co.

-- ABANDONMENT EXEMPTION --

Ms. Brown:

Today, I have enclosed the instant Original and three copies of: ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD's NOTICE OF INTENT TO WITHDRAW, NCR'S previously filed: (Notice of Intent to Participate and File Offer of Financial Assistance).

If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,


Robert Alan Kemp (702) 914-7796

Sole Proprietor D/B/A; NEVADA CENTRAL RAILROAD, Henderson, NV 89074

Enclosures: Notice of Intent to Withdraw, NCR's Offer of Financial Assistance, Certification of Service

cc: Mr. John T. Digbo, Jr., Vice Chairman - Director/President, HTLS
Mr. Joseph Anthony McNulty, III - Director/Vice President, HTLS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-1053 (Sub. No: 1X)

**Michigan Air-Line Railway Co.
-- ABANDONMENT EXEMPTION --
IN OAKLAND COUNTY, MICHIGAN**

NOTICE TO WITHDRAW

**OFFER OF FINANCIAL ASSISTANCE TO ACQUIRE AND PROVIDE
FOR THE MAINTENANCE OF INTERSTATE COMMERCE AND
OPERATION OF RAIL TRANSPORTATION SERVICES IN OAKLAND
COUNTY, MICHIGAN.**

ROBERT ALAN KEMP, D/B/A;

- NEVADA CENTRAL RAILROAD -

1. After careful consideration, Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby respectfully files his Notice To Withdraw his previously filed Notice of Intent to File Offer of Financial Assistance, previously filed by this Petitioner pursuant to 49 U.S.C. 10904(c) and 49 C.F.R. 1152.27(c)(2)(I), that formally expressed his intent to participate and file an Offer of Financial Assistance within this proceeding in part, based on the following reasons.

2. This Petitioner believes that Michigan Air-Line Railway Company has knowingly submitted documentation to Robert Alan Kemp, that in practical effect and application incorrectly inflates the True

Net Liquidation Value of both the Track Materials, as well as the Underlying Real Property, which is the subject of this abandonment proceeding. For instance there is no accounting for critical reductions in the value of Real Property following the recent collapse of the Commercial and Industrial Real Estate Market Price Levels within Oakland County, MI. Moreover, this Petitioner believes that the Documentation recently provided by MAL to this Petitioner relating to the value of the Track Materials, is based on a Bid for Non-Documented/Non-Indexed, and or Non-Legally Identifiable Assets/Personal Property, rather than a Confirmed Inventory including Incremental Condition W/Appraisal-Reports, bound within a complete comprehensive professional appraisal. This Petitioner does Not believe that the previous sale by MAL of historic portions of the Rail Line to the East, were based on an actual commercially viable NLV of said Rail Lines, but rather was simply based on a Non-Objective Commercial Sales Agreement.

3. Further, this Petitioner has just discovered that the owner of the Michigan Air-Line Railway, now refuses to provide critical details for which he admits in his possession previously promised to this Petitioner regarding the FRA Condition/Inspection Reports, affecting the Value and or Operational Viability of the subject Rail Line and associated Right of Way.

4. Therefore, based on the foregoing, this Petitioner believes that it is virtually impossible for the Board to Compel any party appearing within this proceeding at this time based on the activity by MAL, to timely proceed with the provision of a qualified OFA under 49 U. S. C. 10904(c).

Respectfully submitted this: 22nd Day of April, 2011.

by: ROBERT ALAN KEMP, D/B/A;

NEVADA CENTRAL RAILROAD

A large, stylized handwritten signature in black ink, appearing to read 'Robert Alan Kemp', is written over a horizontal line.

Robert Alan Kemp

Individual Sole Proprietor: NEVADA CENTRAL RAILROAD

2741 - Pinewood Avenue,

Henderson, Nevada, 89074 (702) 914- 7796

* * * COMMUNICATION RESULT REPORT (APR. 22. 2011 11:53AM) * * *

FAX HEADER: ATL NCR ATL NCR

TRANSMITTED/STORED : APR. 22. 2011 11:52AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

726 MEMORY TX

17852321866

OK

5/5

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY FACSIMILE CONNECTION

NEVADA CENTRAL RAILROADBASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796**ROBERT ALAN KEMP, D/B/A:****NEVADA CENTRAL RAILROAD****VIA - IMMEDIATE FAX FILING**

(Friday), April 22, 2011

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

BY EMERGENCY FAX FILING: (202) 245- 0461 / 0464

RE: Docket No.

AB-1053 (SUB-NO. 1X)

NOTICE TO WITHDRAW:Offer of Financial Assistance
("OFA") filed on Monday February 28th, 2011.**Michigan Air-Line Railway Co.**
-- ABANDONMENT EXEMPTION --

Ms. Brown:

Today, I have enclosed the instant Original and three copies of: **ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD'S NOTICE OF INTENT TO WITHDRAW. NCR'S previously filed: (Notice of Intent to Participate and File Offer of Financial Assistance).**If You or Your Staff have any questions or comments, please feel free to contact me personally.
Very truly yours,
Robert Alan Kemp (702) 914-7796Sole Proprietor D/B/A; NEVADA CENTRAL RAILROAD, Henderson, NV 89074
Enclosures: Notice of Intent to Withdraw, NCR's Offer of Financial Assistance, Certification of Servicecc Mr. John T. Duffie, Jr., Vice Chairman - Director/President,
Mr. Joseph Anthony Mahoney, III - Director/Vice President,NCR
FILE

* * * COMMUNICATION RESULT REPORT (APR. 22. 2011 11:50AM) * * *

FAX HEADER: ATL NCR ATL NCR

TRANSMITTED/STORED : APR. 22. 2011 11:49AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

725 MEMORY TX

12483486922

OK

5/5

REASON FOR ERROR OR LINE FAIL
E-1) NO ANSWER

E-2) BUSY FACSIMILE CONNECTION

NEVADA CENTRAL RAILROADBASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796**ROBERT ALAN KEMP, D/B/A:****NEVADA CENTRAL RAILROAD****VIA - IMMEDIATE FAX FILING**Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

(Friday), April 22, 2011

BY EMERGENCY FAX FILING: (202) 245- 0461 / 0464

RE: Docket No.

AB-1053 (SUB-NO. 1X)

NOTICE TO WITHDRAW:Offer of Financial Assistance
("OFA") filed on Monday February 28th, 2011.**Michigan Air-Line Railway Co.****-- ABANDONMENT EXEMPTION --**

Ms. Brown:

Today, I have enclosed the instant Original and three copies of: **ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD's NOTICE OF INTENT TO WITHDRAW NCR'S previously filed: (Notice of Intent to Participate and File Offer of Financial Assistance).**If You or Your Staff have any questions or comments, please feel free to contact me personally.
Very truly yours,

Robert Alan Kemp (702) 914-7796

Sole Proprietor D/B/A: NEVADA CENTRAL RAILROAD, Henderson, NV 89074

Enclosures: Notice of Intent to Withdraw, NCR's Offer of Financial Assistance, Certification of Service

cc: Mr. John T. Stigall, Jr., Vice Chairman - Discretionary, NCR
Mr. Joseph Anthony Michalek, III - Executive Vice President, NCR

CERTIFICATE OF SERVICE

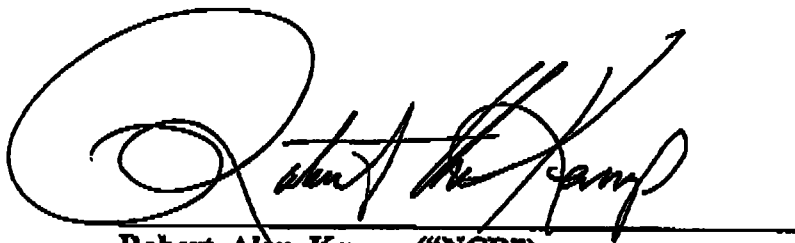
I, **Robert Alan Kemp**, hereby certify that (3-EA.) copies of the instant (4 -Page): **NOTICE TO WITHDRAW**, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 22nd., day of April, 2011, via First Class US-Mail, as well as a single copy of same to:

MICHIGAN AIR-LINE RAILWAY CO.

Alderson, Alderson, Weiler, Conklin, Burghart, & Crow, L.L.C.
P.O. Box: 237
Topeka, Kansas 66601-0237

AMERICAN PLASTIC TOY CO.

Atty: Troy R. Taylor
107 - E. Main St.
Ste: # 204,
Northville, MI 48167
(248) 348- 6988 Voice
(248) 348- 6922 Fax

A handwritten signature in black ink, appearing to read 'Robert Alan Kemp', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Robert Alan Kemp, ("NCR")
(702) 914- 7796,